

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

|                                      |   |                        |
|--------------------------------------|---|------------------------|
| NATIONAL RIFLE ASSOCIATION           | ) |                        |
| OF AMERICA, INC., DR. KATHRYN TYLER, | ) |                        |
| VAN F. WELTON,                       | ) |                        |
| and BRETT BENSON,                    | ) |                        |
|                                      | ) |                        |
| Plaintiffs,                          | ) |                        |
|                                      | ) |                        |
| vs.                                  | ) | No. 08 CV 3697         |
|                                      | ) |                        |
|                                      | ) | Judge Milton I. Shadur |
| THE CITY OF CHICAGO,                 | ) |                        |
|                                      | ) |                        |
| Defendant.                           | ) |                        |

**DECLARATION OF STEPHEN A. KOLODZIEJ**

I, Stephen A. Kolodziej, am competent to state, and declare the following based upon my personal knowledge:

1. I am designated local counsel for the plaintiffs in the above-captioned matter.
2. I am also designated local counsel for plaintiffs in the case of *Benson, et al. v. City of Chicago, et al.*, No. 10-CV-4184, currently pending before the Honorable Judge Ronald A. Guzman of this Court.
3. Attached hereto is a copy of the City of Chicago's Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)(A) that was served upon me by defendants on October 15, 2010 in the *Benson* matter. In item No. 1 of that disclosure, the City of Chicago identified the record of proceedings held by the Chicago City Council Committee on Police and Fire on June 18, June 29, and July 1, 2010, and a copy of that record was enclosed with the Disclosure.
4. Attached to the Memorandum in Support of Plaintiffs' "Prevailing Party" Status in Relation to their Motion for Attorneys' Fees that has been filed with this Court is an Appendix,

which consists of excerpts from the record of proceedings that was served upon me by the City of Chicago with its Rule 26(a)(1)(A) Disclosure in the *Benson* lawsuit, and that was identified in that Disclosure as the record of proceedings held by the Chicago City Council Committee on Police and Fire on June 18, June 29, and July 1, 2010.

I declare under penalty of perjury that the foregoing is true and correct.

Dated December 9, 2010.

s/ Stephen A. Kolodziej

Stephen A. Kolodziej  
Brenner, Ford, Monroe & Scott, Ltd.  
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**City of Chicago**  
**Richard M. Daley, Mayor**

**Department of Law**

Mara S. Georges  
Corporation Counsel

Constitutional and Commercial  
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Suite 1230  
30 North LaSalle Street  
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(312) 744-4342  
(312) 742-3925 (FAX)  
<http://www.cityofchicago.org>

October 15, 2010

Jesse Panuccio  
COOPER & KIRK, PLLC  
1523 New Hampshire Ave., NW  
Washington, D.C. 20036  
*Delivered via U.S. Mail*


Stephen Kolodziej  
BRENNER FORD MONROE & SCOTT LTD.  
33 N. Dearborn Street, Suite 300  
Chicago, IL 60602  
*Delivered via messenger*

**Re: Benson v. City of Chicago, 10 C 4184**

Dear Counsel:

Enclosed please find the Defendants' Rule 26(a)(1)(A) disclosures and the legislative record described therein.

Sincerely,

  
Andrew Worseck  
312-744-7129



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                                 |   |  |
|---------------------------------|---|--|
| <b>BENSON, ET AL.,</b>          | ) |  |
|                                 | ) |  |
| <b>Plaintiffs,</b>              | ) |  |
|                                 | ) |  |
| <b>v.</b>                       | ) | <b>No. 10-CV-4184</b>                  |
|                                 | ) | <b>Judge Ronald A. Guzman</b>          |
| <b>CITY OF CHICAGO, ET AL.,</b> | ) | <b>Magistrate Judge Geraldine Soat</b> |
|                                 | ) | <b>Brown</b>                           |
| <b>Defendants.</b>              | ) |  |

**DEFENDANTS' INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(1)(A)**

Defendants City of Chicago and Mayor Richard M. Daley, by and through their attorney, Mara S. Georges, Corporation Counsel for the City of Chicago, hereby submit their Fed. R. Civ. P. 26(a)(1)(A) disclosures.

**I. Rule 26(a)(1)(A)(i) & (ii).**

Defendants state that in supporting their claims or defenses, they may use the record of proceedings held by the Chicago City Council Committee on Police and Fire ("Committee") on June 18, June 29, and July 1, 2010. A copy of that record is being produced herewith.

Defendants may also use the proceedings of the Chicago City Council on July 2, 2010. Those proceedings have not been transcribed but can be viewed at:

[http://www.chicityclerk.com/City\\_Council\\_Video/2010\\_Video\\_Meetings/July2\\_2010/](http://www.chicityclerk.com/City_Council_Video/2010_Video_Meetings/July2_2010/).

Further, (1) without waiving any arguments as to the proper standard(s) of scrutiny that govern Plaintiffs' various claims, and the factual material that is relevant under a particular standard or to a particular claim, (2) reserving all objections to any discovery propounded by Plaintiffs upon Defendants or upon third-parties, including but not limited to the objections that

the discovery seeks irrelevant information, or improper or premature expert discovery, and (3) without warranting that the following individuals or subject matters are within the permissible bounds of discovery, Defendants state that the name, address and telephone number (if known), and subject matter of testimony of individuals who testified at the Committee proceedings identified above, or of individuals who authored studies, reports, or other documents that were discussed at or submitted during those proceedings, are contained within the record of the proceedings. Further, Defendants state that these disclosures are preliminary, that their investigation continues, and that they reserve the right to supplement these disclosures.

**II. Rule 26(a)(1)(A)(iii).**

Not applicable.

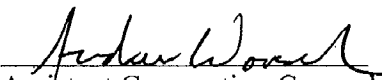
**III. Rule 26(a)(1)(A)(iv).**

Not applicable.

Dated: October 15, 2010

Respectfully submitted,

MARA S. GEORGES,  
Corporation Counsel for the City of Chicago

By:   
Assistant Corporation Counsel

Michael A. Forti  
Mardell Nereim  
Andrew W. Worseck  
William Macy Aguiar  
Rebecca Alfert Hirsch  
City of Chicago, Department of Law  
Constitutional and Commercial Litigation Division

30 North LaSalle Street, Suite 1230  
Chicago, Illinois 60602  
(312) 744-9018 / 6975 / 7129 / 4216

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

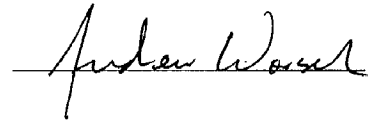
I, Andrew Worseck, an attorney, hereby certify that on this, the 15<sup>th</sup> day of September, 2010, I caused a copy of the forgoing **Defendants' Initial Disclosures Pursuant to Fed. R. Civ.**

**P. 26(a)(1)(A)**, to be served by first-class United States mail, postage prepaid, on:

Charles J. Cooper  
David H. Thompson  
Jesse Panuccio  
Cooper & Kirk, PLLC  
1523 New Hampshire Ave., NW  
Washington, DC 20036

and by messenger delivery on:

Stephen Kolodziej  
BRENNER FORD MONROE & SCOTT LTD.  
33 N. Dearborn Street, Suite 300  
Chicago, IL 60602

A handwritten signature in cursive script, appearing to read "Andrew Worseck", written over a horizontal line.

APPENDIX A

ORIGINAL

1

CITY OF CHICAGO  
COMMITTEE ON POLICE AND FIRE

RE: HEARING TO DISCUSS GUN VIOLENCE AND  
FIREARM REGISTRATION REGULATION

REPORT OF PROCEEDINGS of a  
meeting of the City of Chicago, Committee on Police  
and Fire, taken on June 18th, 2010, 10:00 a.m.,  
City Council Chambers, Chicago, Illinois, and  
presided over by ALDERMAN ANTHONY A. BEALE,  
Chairman.

Reported by: Bernice Betts, C.S.R.

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CITY 000001



1           ALDERMAN BEALE: It's 10:08, and the  
2 Committee on Police and Fire will now come to  
3 order. We have a public hearing today to discuss  
4 gun violence and firearm registration regulation.  
5 And we have quite a few people that want to  
6 testify. If there's anyone who wishes to testify,  
7 if you can please fill out the appropriate paper  
8 work and get it turned in.

9                       We're going to try to move this  
10 hearing along as quickly as possible, because we  
11 have a lot of testimony.

12                      First, we want to bring Mara Georges  
13 up from Corporation Counsel to discuss the  
14 importance of having gun registration, and to  
15 discuss some gun violence.

16           CORPORATION COUNSEL GEORGES: For the record,  
17 my name is Mara Georges G-e-o-r-g-e-s. I'm the  
18 Corporation Counsel for the City of Chicago.  
19 Mr. Chair, Members of the City Council's Police and  
20 Fire Committee and honored guests.

21                      After a dully noted finding that  
22 firearms, and especially handguns, play a major

1 role in the commission of homicides, aggravated  
2 assaults and armed robberies on March 19th of 1982,  
3 Alderman Edward M. Burke moved to pass, and the  
4 Chicago City Council enacted, by a vote of 30 yeas  
5 and 11 nays a firearms ordinance, which renders  
6 most handguns unregistrable in the city of Chicago.

7                   The ordinance, still in effect today  
8 with modification, allows for the registration of  
9 rifles and shotguns that are not sawed off, short  
10 barreled or assault weapons. It requires  
11 registrable firearms to be registered before being  
12 possessed in Chicago and registration must be  
13 renewed annually. Failure to renew shall "cause  
14 the firearm to become unregistrable." The  
15 ordinance provides that no person may possess "any  
16 firearm which is unregistrable" within the city  
17 confines.

18                   On June 26th of 2008, 26 years after  
19 the enactment of that handgun ban the Illinois  
20 State Rifle Association and various other  
21 Plaintiffs in the McDonald case filed in the  
22 Federal District Court for the Northern District of

1 Illinois a challenge to the city's handgun ban and  
2 certain registration requirements contained in the  
3 ordinance.

4                   The Plaintiffs in the McDonald case  
5 alleged in pertinent part that Chicago's handgun  
6 ban violates the Second Amendment as allegedly  
7 incorporated into the 14th Amendment's due process  
8 clause and privileges or immunities clause.

9                   The following day, June 27th of  
10 2008, the National Rifle Association filed two  
11 similar lawsuits. One challenging Chicago's  
12 handgun ban, and the other Oak Park's. McDonald  
13 and the two NRA cases proceeded before the same  
14 District Court Judge, and on December 18th of 2008,  
15 Judge Milton I. Schader (phonetic) entered judgment  
16 on the pleadings in favor of the city and Oak Park  
17 in all three cases on the basis that the Second  
18 Amendment does not apply to the states.

19                   The Seventh Circuit Court of Appeals  
20 consolidated the cases and affirmed the District  
21 Court's decisions on June 2nd of 2009. The Court  
22 held that it was bound by previous decisions of the

1 United States Supreme Court refusing to apply the  
2 Second Amendment to the states.

3 The Supreme Court granted certiorari  
4 in the McDonald case on September 30th of 2009 and  
5 heard oral argument on March 2nd of 2010. The  
6 issue of incorporation of the Second Amendment to  
7 the states is the issue being considered by the  
8 United States Supreme Court.

9 The Supreme Court has publicized  
10 that opinions will be issued on Monday, June 21st  
11 and Monday, June 28th, and experts believe the  
12 court will also release opinions on Thursday,  
13 June 24th, and Wednesday, June 30th.

14 When the Supreme Court issued its  
15 opinion in the Heller case involving Washington,  
16 D.C.'s handgun ban, the opinion was issued on the  
17 last day of the term. If the Supreme Court were to  
18 follow suit, that day would be June 30th of this  
19 year.

20 If the Supreme Court were to find  
21 incorporation of the Second Amendment, the city's  
22 handgun ban would be invalidated. As the Court's

1 decision in Heller has already found a right to  
2 possess a handgun in the home for self-defense  
3 purposes.

4                   Assuming hypothetically that the  
5 city's handgun ban were to be invalidated, the city  
6 could seek approval from the City Council for a new  
7 ordinance regulating firearms. The Council could  
8 consider limitations on number of firearms,  
9 insurance and training requirements, ballistics  
10 testing, and minimum qualifications for handgun  
11 eligibility.

12                   In today's hearing a number of  
13 individuals who have spent years studying various  
14 aspects of the firearms industry will testify.  
15 These individuals have specific recommendations  
16 regarding potential aspects of a new ordinance.  
17 They realized that of the 412 homicides caused by  
18 firearms in the city of Chicago during 2008, 98  
19 percent of those or 402 resulted from handguns.  
20 Thank you.

21                   CHAIRMAN BEALE: Thank you. Any questions?  
22 I'm sorry, not so fast. Alderman Rugai.

**APPENDIX B**

**COPY**

CITY OF CHICAGO  
COMMITTEE ON POLICE AND FIRE

REPORT OF PROCEEDINGS of a  
meeting of the City of Chicago, Committee on  
Police and Fire, taken on June 29, 2010, 1:00  
p.m., City Council Chambers, Chicago, Illinois,  
and presided over by ALDERMAN ANTHONY BEALE,  
Chairman.

Reported by: Donna T. Wadlington, C.S.R.

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CITY000103

1 CHAIRMAN BEALE: It's 1:10. The  
2 Committee on Police and Fire is now called to  
3 order. We're going to go out of regular order  
4 of business. Alderman Pope.

5 ALDERMAN POPE: Thank you,  
6 Mr. Chairman.

7 I'd like to make a motion that  
8 we reconsider the five items that were heard at  
9 yesterday's hearing, all that were approved by  
10 this body. So a motion to reconsider, please.

11 CHAIRMAN BEALE: There's a motion to  
12 reconsider.

13 All in favor? All opposed?

14 The no's have it. Those items  
15 will be reported out tomorrow at City Council.

16 The item before us now is off  
17 the supplemental agenda regarding the gun ban.  
18 We have expert testimony from quite a few  
19 people. First, we're going to bring up Mara  
20 George from Corporation Counsel.

21 CORPORATION COUNSEL GEORGES:  
22 Alderman, do you mind if I turn this around?

1 CHAIRMAN BEALE: Sure. Do you want me  
2 to get that for you?

3 CORPORATION COUNSEL GEORGES: Good  
4 afternoon. My name is Mara Georges,  
5 G-e-o-r-g-e-s. I'm the Corporation Counsel of  
6 the City of Chicago.

7 Mr. Chair, members of the  
8 Police and Fire Committee, yesterday in a  
9 landmark five to four decision that reversed 130  
10 years of case law, the United States Supreme  
11 Court ruled that the Second Amendment of the  
12 U.S. Constitution applies to state and local  
13 governments, as well as the Federal Government.

14 As the Mayor said, this  
15 decision was disappointing but not surprising  
16 given the Court's ruling in the *Heller* case.

17 I'm sure that many of you have  
18 questions about what this ruling means for  
19 Chicago's current ordinance and the extent to  
20 which we can regulate firearms in the future.

21 The Supreme Court did not  
22 strike down any part of our ordinance. The



1 Court reversed the lower court decision  
2 upholding our handgun ban and remanded the case  
3 to the Seventh Circuit Court of Appeals for  
4 further proceedings. Therefore, technically,  
5 our current ordinance is still in effect until  
6 the Seventh Circuit invalidates it. However, as  
7 a practical matter, the section of our ordinance  
8 that prohibits the registration of handguns is  
9 unenforceable.

10 It is clear that such a  
11 provision will ultimately be struck down based  
12 on the Supreme Court's decision in the *Heller*  
13 case, in which the Court ruled that Washington,  
14 DC's handgun ban violated the Second Amendment.  
15 Therefore, it is important that we continue to  
16 work to craft a new ordinance that promotes safe  
17 and responsible gun ownership and complies with  
18 the Court's ruling in this case.

19 As we move forward, I want to  
20 emphasize that the case before the Supreme Court  
21 involved only the ban on the ownership of a  
22 handgun in the home for self-defense purposes.

APPENDIX C

**COPY**

CITY OF CHICAGO  
COMMITTEE ON POLICE AND FIRE

REPORT OF PROCEEDINGS of a  
meeting of the City of Chicago, Committee on  
Police and Fire, taken on July 1, 2010, 10:00  
a.m., City Council Chambers, Chicago, Illinois,  
and presided over by ALDERMAN ANTHONY BEALE,  
Chairman.

Reported by: Donna T. Wadlington, C.S.R.

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CITY000307

1                   ALDERMAN BALCER: I'd like to call the  
2 meeting to order of the Police and Fire  
3 Committee.

4                   And I'd also like to recess it  
5 at this time until the Chairman returns.  
6 Recessed until the Chairman gets here.

7                   (WHEREUPON, the Committee is  
8 in recess.)

9                   CHAIRMAN BEALE: It's 11:25. The  
10 Committee on Police and Fire will continue its  
11 recessed meeting.

12                   The sole purpose of this  
13 meeting is to consider on the agenda an  
14 ordinance introduced directly into Committee by  
15 Corporation Counsel concerning responsible gun  
16 ownership.

17                   On June 18th and June 29th,  
18 the Committee held a hearing on gun violence and  
19 took testimony from experts on possible policies  
20 to reduce such violence in our city. These  
21 hearings contemplated the impact of the United  
22 States Supreme Court's ruling -- *McDonald*

1 decision on the City's handgun ban and the  
2 future policies the City can enact to address  
3 gun violence.

4 More than 30 people testified  
5 at the hearing. We heard from numerous experts  
6 on gun violence from the Corporation Counsel,  
7 other legal experts, from the Superintendent of  
8 the Chicago Police Department, and other CPD  
9 officers, from business owners, from leaders of  
10 our faith-based community, community  
11 organizations and others who have lost loved  
12 ones to gun violence and even some from the  
13 Plaintiffs in the *McDonald* case.

14 Among those experts testified  
15 were Robyn Thomas, David Hemenway, Thom Mannard,  
16 Tom VandenBerk, Mark Walsh, Dr. Marie Crandall,  
17 Claude Robinson, Annette Holt, Juliet Leftwich,  
18 and Daniel Webster.

19 I would also like to  
20 acknowledge one of the experts we invited.  
21 Dr. Jens Ludwig, a Professor of Social Service  
22 Administration, Law and Public Policy at the

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CITY000309

1 University of Chicago's Crime Lab, was unable to  
2 testify but we also distributed -- more  
3 testimony from -- his testimony was also  
4 submitted to the record.

5 During prior hearings we also  
6 distributed and placed on the record testimony  
7 from several of our other experts, as well as  
8 references from other work of numerous and other  
9 studies in case and effect of gun violence and  
10 recommend that we -- what we can do to address  
11 the problem.

12 From the evidence that we  
13 presented at the hearing, the Committee would  
14 like to make the following findings:

15 Chicago, like other big  
16 cities, have serious problems of gun violence.  
17 The total economic and social costs of gun  
18 violence in Chicago are substantial. Gun  
19 violence severely impacts Chicago's criminal  
20 justice and health care system. Gun violence  
21 foment fears in Chicago's communities, which  
22 can harm property value and drive residents from

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CITY000310

1       -- and also fleeing our neighborhoods. It also  
2       can increase -- I'm sorry.

3               An increase in the number of  
4       guns in circulation can contribute to an  
5       increase in the number of incidents of gun  
6       violence. The presence of guns can also make  
7       crime more lethal and would be -- also it can be  
8       -- I'm sorry. I need some water.

9               An increase in the number of  
10       guns in circulation contribute to an increase in  
11       the number of incidents of gun violence. The  
12       presence of guns makes crime more lethal than  
13       others when guns are not present. Handguns are  
14       extremely -- to an extreme degree  
15       disproportionately contribute to gun violence  
16       and death in Chicago.

17               A strong permitting system  
18       from firearms owners is vital. A vigorous  
19       firearm registration system is necessary.  
20       Registration gives law enforcement essential  
21       information about firearm ownership allowing  
22       first responders to determine in advance whether

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CITY000311

1 individuals may be -- may have firearms.

2 Shootings -- I'm sorry.

3 Shootings in the home are a major cause of  
4 death, particularly in children and minors,  
5 requiring owners to secure or store their  
6 firearms when minors are present.

7 Requiring owners to quickly  
8 notify law enforcement of the lost, theft or  
9 destruction of their firearm aid law enforcement  
10 in reducing illegal gun trafficking and  
11 identifying the -- and prosecuting gun  
12 traffickers.

13 Limiting the number of guns in  
14 circulation is essential to public safety.  
15 Limiting registration of handguns to one person  
16 per month would help limit handgun injuries and  
17 also reduce crime.

18 The carrying of firearms in  
19 public should be prohibited. In a dense urban  
20 environment like Chicago, public carrying  
21 presents a high risk that everyday interpersonal  
22 conflicts will result in injury.

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CITY000312

1                   The public safety requires a  
2     ban on assault weapons.

3                   Okay. Mara, suggested that I  
4     submit the rest of this for the record, and we  
5     will get right into testimony. Thank you.

6                   Corporation Counsel, Mara  
7     Georges. And I do apologize. I'm extremely  
8     tired you all. It's been a long day.

9                   CORPORATION COUNSEL GEORGES: Good  
10    morning, Chairman Beale and members of the  
11    Police and Fire Committee. My name is Mara  
12    Georges, G-e-o-r-g-e-s. I'm the Corporation  
13    Counsel for the City of Chicago.

14                  With me and to my right is  
15    Rose Kelly, who is the drafter of the  
16    Responsible Gun Ownership Ordinance, which is  
17    before you today and on which we urge your  
18    support.

19                  This was an ordinance drafted  
20    in response to the Supreme Court decision  
21    earlier this week in the *McDonald* case. We  
22    believe that this ordinance effectively balances



1 the right to possess a gun in the home for the  
2 purpose of self-defense, with the substantial  
3 risks to public safety that are associated with  
4 guns.

5 The proposed ordinance is  
6 comprehensive. It regulates the sale and  
7 possession of firearms, establishes a permit  
8 process for gun owners, and includes a  
9 registration requirement for guns that allows  
10 for the registration of handguns.

11 First, I think it's easiest to  
12 begin by describing what is banned under this  
13 ordinance.

14 Banned are the sale of  
15 firearms in the city of Chicago, certain types  
16 of ammunition, including metal and armor  
17 piercing bullets and 50 caliber bullets, the  
18 sale of any ammunition to minors, laser-sight  
19 accessories, silencers, and mufflers, certain  
20 types of guns including sawed-off shotguns, 50  
21 caliber rifles, machine guns, short-barreled  
22 rifles and assault weapons, and handguns deemed

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CITY000314

1 unsafe by the Police Superintendent.

2                   These guns are unregistrable  
3 and it is illegal to possess an unregistrable  
4 weapon within the city of Chicago. Also banned  
5 are shooting galleries and target ranges, except  
6 for law enforcement purposes.

7                   Consistent with the Supreme  
8 Court's ruling, we are allowing the possession  
9 of handguns in a limited circumstance. That is,  
10 within the home for self-defense purposes.

11                   So that there is no confusion  
12 about the scope of handgun possession within the  
13 city of Chicago, home is defined in the  
14 ordinance as the inside of a person's dwelling  
15 unit which is traditionally used for living  
16 purposes. Not the garage, not porches, not the  
17 stairs, not the back, side or front yard space.  
18 Dormitories, hotels, and group living homes are  
19 excluded from the definition of home within the  
20 ordinance.

21                   In addition, there is a two  
22 step registration requirement for guns. The

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1 first step requires individuals to obtain a  
2 Chicago Firearm Permit, a CFP, prior to owning a  
3 gun. And the second step requires gun owners to  
4 obtain a registration certificate for each of  
5 their firearms. Both the CFP and the  
6 registration certificate are issued by the  
7 Chicago Police Department.

8 The ordinance imposes  
9 reasonable limitations on who can obtain a CFP.  
10 For example, individuals must be at least 21  
11 years of age or 18 to 20 years of age with  
12 parental permission to be eligible for a CFP.  
13 They must possess a valid Illinois FOID card.  
14 They must not have been convicted of a violent  
15 crime or of two or more offenses for driving  
16 under the influence of alcohol or drugs.

17 They must not have been  
18 convicted of an unlawful use of weapon charge  
19 involving a firearm. They must not have  
20 violated any other Municipal Code provision  
21 regarding possession of laser-sight accessories,  
22 silencers or mufflers, or unlawful sales of

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1 firearms, or otherwise be ineligible to possess  
2 a firearm under any law.

3 Individuals must demonstrate  
4 that they've undergone firearm safety training  
5 both in a classroom and on a firing range.

6 As I previously stated, the  
7 CFP must be obtained prior to taking possession  
8 of any gun, and it must be renewed every three  
9 years.

10 As with our previous  
11 ordinance, the responsible gun ownership  
12 ordinance includes a registration requirement  
13 for guns. The new ordinance, however, allows  
14 for the registration of handguns. A  
15 registration certificate is required for every  
16 firearm. The application for the registration  
17 certificate must be submitted no more than five  
18 business days after taking possession of the  
19 gun.

20 Each applicant will be issued  
21 only one registration certificate per month for  
22 a handgun which must be used for the home in

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CITY000317

1 which the applicant resides. So, in other  
2 words, we're limiting the amount of handguns to  
3 one per month for use within the home.

4 Individuals have 90 days after  
5 the effective date of the ordinance to register  
6 weapons, including guns that were not previously  
7 registered, like handguns. So we're urging  
8 members of the public to come in within this  
9 90-day period after the ordinance's effective  
10 date, assuming that this body were to approve  
11 it, and register their unregistered weapons.

12 The ordinance also contains a  
13 procedure for individuals who are denied either  
14 a CFP or a firearm registration certificate to  
15 appeal such denials.

16 I'd like to briefly discuss  
17 the regulations contained in the responsible gun  
18 ownership ordinance regarding where guns can be  
19 possessed. These regulations are in addition to  
20 any applicable state laws.

21 As I previously mentioned,  
22 handguns are only allowed in the registrant's

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1 home for self-defense purposes. Long guns are  
2 only allowed in the individual's home or fixed  
3 place of business. You cannot possess a gun in  
4 your vehicle, unless it's broken down into a  
5 non-functioning state.

6 Each person who keeps or  
7 possesses a firearm in his or her home must keep  
8 no more than one firearm in the home assembled  
9 and operable. All other firearms must be broken  
10 down in a non-functioning state or have a  
11 trigger lock or other mechanism making the  
12 firearm temporarily inoperable.

13 In homes with minors under the  
14 age of 18, guns must be kept secured, secured on  
15 the person of the registrant, with trigger locks  
16 or in locked boxes.

17 This ordinance also  
18 establishes a gun offender registry. Any gun  
19 offender, a person convicted of a gun offense,  
20 who lives, works or attends school in the city  
21 must register with the Police Superintendent.  
22 The registry will be posted on the Police

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1 Department's website and available for review by  
2 the public.

3 Consequences for violating the  
4 responsible gun ownership ordinance are severe.  
5 Penalties include fines of \$1,000 to \$5,000 and  
6 incarceration for not less than 20, nor more  
7 than 90 days for certain offenses. Subsequent  
8 convictions are punishable by fines of \$5,000 to  
9 \$10,000 and by incarceration of not less than 30  
10 days, nor more than six months, the maximum  
11 allowable under state law for the City to  
12 impose.

13 Further, the ordinance  
14 authorizes the seizure and destruction of any  
15 weapons kept in violation of the chapter. This  
16 ordinance was crafted through careful discussion  
17 and review. We have listened to the Council and  
18 tried to accommodate the Council's wishes in  
19 crafting this ordinance.

20 Further, we are confident that  
21 this ordinance is consistent with the Supreme  
22 Court's rulings in the *Heller* and *McDonald*

1 decisions. We are hopeful that you will support  
2 it. Thank you.

3 CHAIRMAN BEALE: Thank you.

4 Any questions from the  
5 committee? Alderman Rugai.

6 ALDERMAN RUGAI: Thank you,  
7 Mr. Chairman.

8 We heard it discussed this  
9 morning that the ages of many that commit crimes  
10 of handguns are 13 to 16 year olds, and there is  
11 no real punishment for those youths. As in some  
12 of our previous legislation perhaps for curfew,  
13 for example, we have the parents responsible and  
14 they are fined in that instance.

15 Have we ever looked at or are  
16 we just prohibited from making the parents  
17 responsible if those young people are arrested  
18 and convicted of possessing a handgun and using  
19 it?

20 CORPORATION COUNSEL GEORGES: It's a  
21 good point, Alderman, but the problem is, of  
22 course, if we were to prosecute a minor under



1     our ordinance, typically, that goes then to  
2     juvenile court where we can't be imposing our  
3     ordinance as a mechanism.

4             ALDERMAN RUGAI: And not this  
5     ordinance. I mean, can we do something  
6     separately to make parents responsible -- you  
7     know, they are responsible for their children.  
8     And if they -- their children were to be found  
9     with guns, could they be prosecuted?

10            CORPORATION COUNSEL GEORGES: I think  
11     you raise a very good point and we will look at  
12     it.

13            ALDERMAN RUGAI: I mean, because it's  
14     another side of our ordinance that's before us  
15     today, but it was something that stuck in my  
16     mind from the press conference this morning that  
17     I thought we need to be attending to that side  
18     of it as well.

19            CORPORATION COUNSEL GEORGES: Yes.  
20     Good point.

21            ALDERMAN RUGAI: Thank you.

22            CHAIRMAN BEALE: Alderman Balcer.

1                   ALDERMAN BALCER: Thank you,  
2                   Mr. Chairman.

3                               What is the -- are there  
4                   provisions in here for retired police officers  
5                   --

6                   CORPORATION COUNSEL GEORGES: Yes.

7                   ALDERMAN BALCER: -- and their right  
8                   to carry a -- or have weapons?

9                   CORPORATION COUNSEL GEORGES: We  
10                  exclude many classes of people from many of the  
11                  ordinance requirements, and many of those  
12                  exclusions apply to current police officers,  
13                  retired police officers, current military  
14                  personnel and the like. So we have tried to  
15                  accommodate what we heard from Chairman Burke  
16                  and the others in hearings, that many of these  
17                  provisions should not apply to retired CPD.

18                  ALDERMAN BALCER: So we're not --  
19                  people can still defend their homes if they're  
20                  inside of their homes?

21                  CORPORATION COUNSEL GEORGES: The idea  
22                  is that individuals have a right to a handgun

1 within the home for self-defense purposes, and  
2 we're allowing them to register one per month;  
3 one of those handguns per month to have within  
4 their home to use for self-defense purposes.

5 ALDERMAN BALCER: For self-defense  
6 purposes. No one's right is being taken away to  
7 defend their home?

8 CORPORATION COUNSEL GEORGES: Correct.

9 ALDERMAN BALCER: Good. My next  
10 question and I just -- you can have long rifles  
11 and shotguns except sawed-off shotguns; am I  
12 correct?

13 CORPORATION COUNSEL GEORGES: That is  
14 correct. We allow rifles and other long guns.

15 ALDERMAN BALCER: And you can have  
16 one, two, three, four -- you can have as many as  
17 you want?

18 CORPORATION COUNSEL GEORGES: Correct.

19 ALDERMAN BALCER: And you can have a  
20 pistol. You can buy one pistol per month?

21 CORPORATION COUNSEL GEORGES: Correct.

22 ALDERMAN BALCER: They can have twelve

1 in a year?

2 CORPORATION COUNSEL GEORGES: Yes.

3 Each qualified applicant.

4 ALDERMAN BALCER: Can have twelve in a  
5 year?

6 CORPORATION COUNSEL GEORGES: Can have  
7 twelve in a year. Yes.

8 ALDERMAN BALCER: I think that's quite  
9 fair. I'll be honest. I think that's quite  
10 fair to a person.

11 And right now you can have as  
12 many rifles that meet the requirements and  
13 shotguns if you -- if you want? And they are  
14 registered and so on?

15 CORPORATION COUNSEL GEORGES: Correct.  
16 And that continues. That it is an unlimited  
17 number.

18 ALDERMAN BALCER: That continues.  
19 That -- there's no -- nothing prohibiting that.  
20 There's nothing saying you can't have one rifle,  
21 one shotgun. You can have --

22 I'll be honest. I think

1       that's quite fair. And quite honest, if you  
2       can't defend your home with umpteen rifles and  
3       shotguns and a pistol, I don't see what else a  
4       person can ask for in this. Thank you.

5               CORPORATION COUNSEL GEORGES: You're  
6       welcome.

7               CHAIRMAN BEALE: Alderman Fioretti.

8               ALDERMAN FIORETTI: Thank you,  
9       Mr. Chairman.

10               When we started the hearing  
11       the other day, you described the -- still I want  
12       to refer to the decision, that the mandate would  
13       probably come down within 30 days give or take,  
14       correct?

15               CORPORATION COUNSEL GEORGES: Correct.

16               ALDERMAN FIORETTI: And then you said  
17       at that time that we can go into court to ask  
18       for some kind of advisory assistance here in the  
19       drafting of this -- of this ordinance. Wasn't  
20       that correct?

21               CORPORATION COUNSEL GEORGES: I don't  
22       believe that's what I said. No.

1 I said when the mandate came  
2 back to the Court of Appeals, the Court of  
3 Appeals may ask us for briefs, position papers,  
4 kind of on where we stand, saying to us, all  
5 right, now in light of the decision from the  
6 Supreme Court in *McDonald*, saying you have a  
7 right to a handgun in your home for  
8 self-defense, City, how do you defend your  
9 handgun ban? And at that point it really  
10 becomes impossible to defend it.

11 ALDERMAN FIORETTI: Okay. And so what  
12 was legal or what is illegal out of the  
13 ordinance as it existed the day before the  
14 decision was handed down?

15 CORPORATION COUNSEL GEORGES: What the  
16 Supreme Court has said is that the Second  
17 Amendment applies to the City, and the Second  
18 Amendment guarantees a right to a handgun in the  
19 home for self-defense.

20 So in other words, a ban by  
21 the City on handguns will not withstand the  
22 *McDonald* decision.